



Journal of the House

State of Indiana

115th General Assembly

First Regular Session

Eighteenth Meeting Day

Tuesday Afternoon

February 13, 2007

The House convened at 1:00 p.m. with Speaker B. Patrick Bauer in the Chair.

The Speaker stated, "Having conferred with the Attorney General and no objection raised, the temporary House policy while the prayer lawsuit is pending in the courts will be a scripted prayer."

The Speaker read a prayer for wisdom and service (printed January 9, 2007).

The Pledge of Allegiance to the Flag was led by Representative Matthew D. Whetstone.

The Speaker ordered the roll of the House to be called:

Austin	Gutwein
Avery	E. Harris
Bardon	T. Harris
Battles	Herrell
Behning ☐	Hinkle
Bell	Hoy
Bischoff	Kersey
Borders	Klinker
Borror	Knollman
Bosma	Koch
C. Brown	Kuzman
T. Brown	L. Lawson
Buck	Lehe
Buell	Leonard
Burton	Lutz
Candelaria Reardon	Mays
Cheatham	McClain
Cheney	Micon
Cherry	Moses
Cochran	Murphy
Crawford	Neese
Crooks	Niezgodski
Crouch	Noe
Davis	Orentlicher
Day	Oxley
Dembowski	Pelath
Denbo	Pflum
Dermody	Pierce
Dickinson	Pond ☐
Dobis	Porter
Dodge	Reske
Duncan	Richardson ☐
Dvorak	Ripley
Eberhart	Robertson
Elrod	Ruppel
Espich	Saunders
Foley	M. Smith
Friend	V. Smith
Frizzell	Soliday
Fry	Stemler
GiaQuinta	Stevenson
Goodin	Stilwell
Grubb	Stutzman

Summers
Thomas
Thompson
Tincher
Torr
Turner
Tyler

Ulmer
VanHaaften
Walorski
Welch
Whetstone
Wolkins
Mr. Speaker

Roll Call 102: 97 present; 3 excused. The Speaker announced a quorum in attendance. [NOTE: ☐ indicates those who were excused.]

HOUSE MOTION

Mr. Speaker: I move that when we do adjourn, we adjourn until Thursday, February 15, 2007, at 1:00 p.m.

PFLUM

Motion prevailed.

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Senate Concurrent Resolution 4 and the same is herewith transmitted to the House for further action.

MARY C. MENDEL
Principal Secretary of the Senate

RESOLUTIONS ON FIRST READING

Senate Concurrent Resolution 4

The Speaker handed down Senate Concurrent Resolution 4, sponsored by Representative Stutzman:

A CONCURRENT RESOLUTION renaming State Road 1 throughout Indiana as the Purple Heart Memorial Highway.

Whereas, All through history, brave Americans have shed their blood during time of war to preserve, protect, and defend the principles of democracy and freedom;

Whereas, Many of these brave Americans have paid the ultimate sacrifice to ensure that future generations enjoy life's freedoms;

Whereas, The Purple Heart, established by General George Washington as the Military Badge of Merit, is awarded to all military personnel who are killed or wounded in action against the enemy;

Whereas, Many of our Hoosier brothers and sisters who have served in the United States military have been wounded in battle or have been killed in action; and

Whereas, These individuals and their families deserve recognition for their love and service to Indiana and its people: Therefore,

*Be it resolved by the Senate
of the General Assembly of the State of Indiana,
the House of Representatives concurring:*

SECTION 1. That the Indiana General Assembly requests the Department of Transportation to place the proper signage to rename State Road 1 throughout Indiana as the Purple Heart

Memorial Highway to pay tribute to the Indiana residents who have been awarded the Purple Heart medal.

SECTION 2. That copies of this resolution be transmitted by the Secretary of the Senate to the commissioner of the Indiana Department of Transportation.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1241, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 4, line 19, delete "licensure;" and insert "**certification**";.

Page 8, between lines 40 and 41, begin a new paragraph and insert:

"SECTION 12. IC 25-27.5-2-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 14. (a) "Supervision" means that the supervising physician or the physician designee accepting responsibility for the physician assistant ~~must be meets~~ either of the following conditions at all times that services are rendered or tasks are performed by the physician assistant:

(1) The supervising physician or the physician designee is physically present ~~or at the location at which services are rendered or tasks are performed by the physician assistant.~~

(2) The supervising physician or the physician designee: (A) is immediately available for consultation; ~~at all times that services are rendered or tasks are performed by the physician assistant; and~~

(B) is not more than:

(i) thirty (30) miles from the onsite location;

(ii) sixty (60) miles from the location of the rural health clinic (as defined in 42 U.S.C. 1396d(l)(1); or

(iii) a specific distance (as requested by the supervising physician and physician assistant and approved by the board) from the onsite location; at which services are rendered or tasks are performed by the physician assistant.

(b) The term includes the use of protocols, guidelines, and standing orders developed or approved by the supervising physician."

Page 13, between lines 32 and 33, begin a new paragraph and insert:

"(e) A physician assistant may not prescribe drugs unless the physician assistant has successfully completed at least thirty (30) contact hours in pharmacology from an educational program that is approved by the committee.

(f) A physician assistant may not prescribe, administer, or monitor general anesthesia, regional anesthesia, or deep sedation/analgesia. A physician assistant may not administer moderate sedation/analgesia during diagnostic tests, surgical procedures, or obstetric procedures unless the following conditions are met:

(1) A physician is physically present in the area, is immediately available to assist in the management of the patient, and is qualified to rescue patients from deep sedation/analgesia.

(2) The physician assistant is qualified to rescue patients from deep sedation/analgesia and is competent to manage a compromised airway and provide adequate oxygenation and ventilation by reason of meeting the following conditions:

(A) The physician assistant is certified in advanced

cardiopulmonary life support.

(B) The physician assistant has knowledge of and training in the medications used in moderate sedation/analgesia, including recommended doses, contraindications, and adverse reactions.

(g) Before a physician assistant may prescribe drugs, the physician assistant must have been continuously employed as a physician assistant for not less than one (1) year after graduating from a physician assistant program approved by the committee. To be considered to have been continuously employed as a physician assistant for a year for purposes of this subsection, a person must have worked as a physician assistant more than one thousand eight hundred (1,800) hours during the year."

Renumber all SECTIONS consecutively.

(Reference is to HB 1241 as introduced.) and when so amended that said bill do pass.

Committee Vote: yeas 11, nays 1.

C. BROWN, Chair.

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1257, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 15, nays 9.

CRAWFORD, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1287, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 14, between lines 27 and 28, begin a new paragraph and insert:

"SECTION 24. IC 33-37-10-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. (a) A juror of a circuit, superior, county, or probate court or a member of a grand jury is entitled to the sum of the following:

(1) Except as provided in subsection (f), an amount for mileage at the mileage rate paid to state officers and employees for each mile necessarily traveled to and from the court.

(2) Payment at the rate of:

(A) fifteen dollars (\$15) for each day the juror is in actual attendance in court until the jury is impaneled; and

(B) forty dollars (\$40) for each day the juror is in actual attendance after impaneling and until the jury is discharged.

(b) A county fiscal body may adopt an ordinance to pay from county funds a supplemental fee in addition to the fees prescribed by subsection (a)(2).

(c) A juror of a city or town court is entitled to the sum of the following:

(1) Except as provided in subsection (f), an amount for mileage at the mileage rate paid to state officers and employees for each mile necessarily traveled to and from the court.

(2) Fifteen dollars (\$15) per day while the juror is in actual attendance.

(d) A city or town fiscal body may adopt an ordinance to pay from city or town funds a supplemental fee in addition to the fee prescribed by subsection (c)(2).

(e) For purposes of this section, a prospective juror who is

summoned for jury duty and who reports to the summoning court on the day specified in the summons is in actual attendance on that day.

(f) A county, city, or town fiscal body may adopt an ordinance providing for the payment by the county, city, or town of the parking fees incurred by jurors of circuit, superior, county, and probate courts and members of grand juries. If a county, city, or town fiscal body adopts an ordinance under this subsection, the county, city, or town may pay the parking fees incurred by a juror of a circuit, superior, county, or probate court or a member of a grand jury instead of paying the juror or grand jury member an amount for mileage at the rate provided in subsection (a)(1) or (c)(1).

SECTION 25. IC 33-37-11-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. **(a)** Upon receipt of monthly claims submitted on oath to the county fiscal body by a clerk serving the county, the county fiscal body shall appropriate from the jury pay fund to the court served by the clerk an amount to supplement the cost of jury fees.

(b) After all claims received by a county fiscal body during a month have been paid under subsection (a), the county fiscal body may appropriate any unused and unencumbered money remaining in the jury pay fund to maintain and improve the jury system in the county."

Renumber all SECTIONS consecutively.

(Reference is to HB 1287 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 8, nays 0.

L. LAWSON, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1376, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, between lines 15 and 16, begin a new line blocked left and insert:

"However, the treatment must be completed not more than ninety (90) days after the dentist prescribes the treatment plan."

Page 3, line 36, delete "indigent within" and insert **"insured and uninsured residents of"**.

Page 5, between lines 26 and 27, begin a new line blocked left and insert:

"However, the treatment must be completed not more than ninety (90) days after the dentist prescribes the treatment plan."

(Reference is to HB 1376 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 10, nays 1.

C. BROWN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1384, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 5-2-6-3, AS AMENDED BY P.L.173-2006, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. The institute is established to do the following:

(1) Evaluate state and local programs associated with:

(A) the prevention, detection, and solution of criminal offenses;

(B) law enforcement; and

(C) the administration of criminal and juvenile justice.

(2) Improve and coordinate all aspects of law enforcement, juvenile justice, and criminal justice in this state.

(3) Stimulate criminal and juvenile justice research.

(4) Develop new methods for the prevention and reduction of crime.

(5) Prepare applications for funds under the Omnibus Act and the Juvenile Justice Act.

(6) Administer victim and witness assistance funds.

(7) Administer the traffic safety functions assigned to the institute under IC 9-27-2.

(8) Compile and analyze information and disseminate the information to persons who make criminal justice decisions in this state.

(9) Serve as the criminal justice statistical analysis center for this state.

(10) Identify grants and other funds that can be used by the department of correction to carry out its responsibilities concerning sex offender registration under IC 11-8-8.

(11) Administer the application and approval process for designating an area of a consolidated or second class city as a public safety improvement area under IC 36-8-19.5.

(12) Develop and maintain a meth watch program to inform retailers and the public about illicit methamphetamine production, distribution, and use in Indiana.

(13) Develop and manage the gang crime witness protection program under section 19 of this chapter.

(14) Identify grants and other funds that can be used to fund the gang crime witness protection program.

(15) Identify grants and other funds that can be used by the department of correction and law enforcement agencies to carry out responsibilities concerning the statewide criminal gang data base under IC 11-8-2-14.

SECTION 2. IC 5-2-6-19 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 19. **(a) The gang crime witness protection program is established.**

(b) The gang crime witness protection program established by subsection (a) shall be developed and maintained to assist witnesses of gang crimes with:

(1) temporary living costs;

(2) moving expenses;

(3) rent;

(4) security deposits; and

(5) other appropriate expenses for relocation or transitional housing.

(c) The institute shall develop and maintain procedures to award funds for the purposes described in subsection (b) to an individual who witnesses a gang crime.

(d) The institute shall adopt rules under IC 4-22-2 to implement this section.

(e) The director of the Indiana criminal justice institute may delay the implementation of this section until the earlier of the following:

(1) A date set by the director.

(2) The date funding becomes available by a grant through the criminal justice institute or by an appropriation from the general assembly.

If the director of the criminal justice institute delays implementation of this section, the director shall notify each prosecuting attorney of the director's action.

SECTION 3. IC 5-2-6-20 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 20. **(a) The gang crime witness protection fund is established. The institute shall administer the fund.**

(b) The institute shall use money in the fund for costs

described in section 19(b) of this chapter.

(c) The institute shall identify grants and other funds that can be used to fund the gang crime witness protection program under section 19 of this chapter.

(d) Money in the gang crime witness protection fund at the end of a state fiscal year does not revert to the state general fund.

SECTION 4. IC 11-8-2-14 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 14. (a) The department shall develop and manage a statewide criminal gang data base.

(b) The statewide criminal gang data base established by subsection (a) shall be developed and maintained to assist law enforcement in the exchange of information concerning:

- (1) membership in criminal gangs;
- (2) arrest records and criminal convictions of criminal gang members;
- (3) activities of criminal gangs; and
- (4) other information that can assist law enforcement with monitoring criminal gangs.

(c) The department shall develop and maintain procedures to obtain and disburse information regarding criminal gangs.

(d) The department shall adopt rules under IC 4-22-2 to implement this section.

(e) The department and the criminal justice institute shall identify grants and other funds that can be used by the department and law enforcement agencies to carry out responsibilities concerning the statewide criminal gang data base.

SECTION 4. IC 34-6-2-32 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 32. "Criminal gang", for purposes of:

- (1) section 6 of this chapter; and
- (2) IC 34-24-5;

has the meaning set forth in IC 35-45-9-1.

SECTION 5. IC 34-24-5 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]:

Chapter 5. Criminal Gang Liability

Sec. 1. (a) A person who:

- (1) commits or conspires to commit a crime; and
- (2) is a criminal gang member;

is liable for civil damages as provided in this chapter.

(b) A law enforcement officer or agency, the state, or a person acting at the direction of a law enforcement officer or agency or the state is not liable under this chapter for actions that further an official investigation of a criminal gang.

Sec. 2. The following persons may bring an action for damages concerning a crime committed by a person described in section 1(a) of this chapter:

- (1) A victim of the crime.
- (2) A:
 - (A) parent;
 - (B) legal guardian;
 - (C) child;
 - (D) spouse; or
 - (E) sibling;

of a victim of the crime.

(3) A medical facility, insurer, governmental entity, employer, law enforcement agency, fire department, emergency medical service provider, or other entity that spends any funds or uses any resources:

- (A) investigating; or
- (B) responding to an incident related to; the crime.

(4) A person injured as a result of the willful, reckless, or negligent actions of a person described in section 1(a) of this chapter in the course of committing the crime.

(5) Any neighborhood association registered with the municipal governing body, the official geographic boundaries of which encompass the location where the crime occurred.

Sec. 3. A complaint under section 2 of this chapter may be amended at any time to add additional defendants who committed or conspired to commit the crime.

Sec. 4. A person described in section 2(1) through 2(5) of this chapter may recover the following damages:

(1) Economic damages, including costs for the following:

- (A) Treatment and rehabilitation.
- (B) Medical expenses.
- (C) Loss of economic or educational potential.
- (D) Loss of productivity.
- (E) Absenteeism.
- (F) Support expenses.
- (G) Accidents or injury.
- (H) Any other pecuniary loss proximately caused by the felony or misdemeanor.

(2) Noneconomic damages, including costs for the following:

- (A) Physical and emotional pain and suffering.
- (B) Physical impairment.
- (C) Emotional distress.
- (D) Medical anguish.
- (E) Disfigurement.
- (F) Loss of enjoyment.
- (G) Loss of companionship, services, and consortium.
- (H) Any other nonpecuniary loss proximately caused by the felony or misdemeanor.

(3) Exemplary damages.

(4) Reasonable attorney's fees.

(5) Court costs, including reasonable expenses for expert testimony.

Sec. 5. (a) An action by an individual brought under this chapter is governed by the principles of comparative liability under Indiana law. Comparative liability attributed to a plaintiff does not bar recovery, but diminishes the award of compensatory damages proportionally according to the measure of responsibility attributed to the plaintiff.

(b) The burden of proving the comparative liability of the plaintiff in an action brought under this chapter:

- (1) is on the defendant; and
- (2) must be shown by clear and convincing evidence.

Sec. 6. (a) A person who is subject to liability under this chapter has a right of action for contribution against another person subject to liability under this chapter.

(b) Contribution may be enforced in:

- (1) the original action; or
- (2) a separate action brought for that purpose.

(c) A plaintiff may seek recovery under this chapter and any other applicable law against a person whom a defendant has asserted a right of contribution.

Sec. 7. Proof of the commission of or conspiracy to commit a crime by a criminal gang member must be shown by clear and convincing evidence. Unless otherwise provided in this chapter, other elements of an action brought under this chapter must be shown by a preponderance of the evidence.

Sec. 8. (a) Subject to subsection (c), a plaintiff in an action brought under this chapter may request an ex parte prejudgment attachment order from the court against all assets of a defendant sufficient to satisfy a potential award. If attachment is instituted, a defendant is entitled to an immediate hearing. Attachment may be lifted if the defendant:

- (1) demonstrates that the defendant's assets will be available for a potential award; or
- (2) posts a bond in an amount that is sufficient to cover a potential award.

(b) A person against whom a judgment has been rendered under this chapter may not exempt any property from process to levy or process to execute on the judgment.

(c) Any assets that are:

(1) sought to satisfy a judgment under this chapter; and
(2) involved in a forfeiture action or that have been seized for forfeiture by any state or federal agency; may not be used to satisfy a judgment until the assets have been released following the conclusion of the forfeiture action or released by the agency that seized the assets.

Sec. 9. (a) Except as otherwise provided in this section, a claim under this chapter must be brought not more than two (2) years after the date the criminal gang member is convicted of the underlying felony or misdemeanor.

(b) The statute of limitations under this section is tolled for a plaintiff while the individual potential plaintiff is incapacitated due to injury resulting from the underlying felony or misdemeanor.

Sec. 10. The attorney general may represent the state or a political subdivision of the state in an action brought under this chapter.

Sec. 11. This chapter may not be construed to alter any law regarding tort immunity within a family.

SECTION 6. IC 35-45-9-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. As used in this chapter, "criminal gang" means a group with at least ~~five (5)~~ **three (3)** members that specifically:

(1) either:

- (A) promotes, sponsors, or assists in; or
- (B) participates in; or

(2) requires as a condition of membership or continued membership;

the commission of a felony or an act that would be a felony if committed by an adult or the offense of battery (IC 35-42-2-1).

SECTION 7. IC 35-45-9-5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 5. (a) Except as provided in subsection (b), an individual who knowingly or intentionally solicits, recruits, entices, or intimidates another individual to join a criminal gang commits criminal gang recruitment, a Class D felony.

(b) The offense under subsection (a) is a Class C felony if:

- (1) the solicitation, recruitment, enticement, or intimidation occurs within one thousand (1,000) feet of school property; or
- (2) the individual who is solicited, recruited, enticed, or intimidated is less than eighteen (18) years of age.

SECTION 8. IC 35-45-9-6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 6. In addition to any sentence or fine imposed on a criminal gang member for committing a felony or misdemeanor, the court shall order a criminal gang member convicted of a felony or misdemeanor to make restitution to the victim of the crime under IC 35-50-5-3.

SECTION 9. IC 35-50-2-1.4, AS ADDED BY P.L.109-2006, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1.4. For purposes of section 15 of this chapter, "criminal gang" means a group with at least ~~five (5)~~ **three (3)** members that specifically:

(1) either:

- (A) promotes, sponsors, or assists in; or
- (B) participates in; or

(2) requires as a condition of membership or continued membership;

the commission of a felony or an act that would be a felony if committed by an adult or the offense of battery (IC 35-42-2-1)."

Renumber all SECTIONS consecutively.

(Reference is to HB 1384 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 8, nays 0.

L. LAWSON, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Policy, to which was referred House Bill 1392, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 3, line 32, strike "section" and insert "**subsection**".

Page 4, line 18, strike "retailers" and insert "**retailer's**".

Page 4, delete lines 29 through 42, begin a new paragraph and insert:

"(j) After May 31, 2007, the commission may issue not more than five (5) three-way permits for the sale of alcoholic beverages for on premises consumption to an applicant who will locate as the proprietor, as owner or lessee, or both, of a restaurant within an economic development area under IC 36-7-14 in a town with a population of more than twenty thousand (20,000) located in a county having a population of more than ninety thousand (90,000) but less than one hundred thousand (100,000). A permit issued under this subsection may not be issued to a tavern. For purposes of this subsection, "tavern" means a permit premises that meets the definition of restaurant under IC 7.1-3-20-9, but is used primarily for the serving of alcoholic beverages by the drink to the general public, and where food service is secondary to the primary use in the amount of sales and the service area where minors are not permitted. A permit issued under this subsection may not be transferred to a location outside the economic development area. If the commission issues five (5) new permits under this subsection and a permit issued under this subsection is later revoked or is not renewed, the commission may issue another new permit, as long as the total number of active permits issued under this subsection does not exceed five (5) at any time. The commission shall conduct an auction of the permits under IC 7.1-3-22-9, except that the auction may be conducted at any time as determined by the commission. Notwithstanding any other law, the minimum bid for an initial license under this subsection is thirty-five thousand dollars (\$35,000), and the renewal fee for a license under this subsection is one thousand three hundred fifty dollars (\$1,350). If, after the 2010 decennial census, the town is authorized by the quota provisions of IC 7.1-3-22 to receive additional three-way permits, any three-way permits issued under this subsection shall be subtracted from any additional three-way permits that the town may be authorized to receive by the quota provisions.

(k) After June 30, 2007, the commission may issue not more than ten (10) new three-way, two-way, or one-way permits to sell alcoholic beverages for on-premises consumption to applicants, each of whom must be the proprietor, as owner or lessee, or both, of a restaurant located within:

(1) a town:

(A) that:

(i) has a population of more than twenty-four thousand eight hundred (24,800) but less than thirty thousand (30,000); and

(ii) contains a part of a state nature preserve that is also a National Natural Landmark and is between four hundred (400) and six hundred (600) acres in area; and

(B) that has a downtown area with:

(i) a boundary along the Old Lincoln Highway; and

(ii) boundaries further defined by the town legislative body;

(2) an economic development area, an area needing

redevelopment, or a redevelopment district under IC 36-7-14 and whose proposed permit premises are located in an area that:

- (A) consists of total of at least twenty-five (25) contiguous or nearly contiguous acres of property dedicated solely to a new commercial development;
- (B) is within three thousand (3,000) feet from the north boundary of the town; and
- (C) is adjacent to a state or federal highway that runs in a northerly and southerly direction.

The commission may issue not more than eight (8) permits to applicants who are eligible to hold a permit under subdivision (2); however, not more than four (4) permits may be issued within the same commercial development. The commission may issue not more than one (1) permit to an applicant whose proposed permit premises are located within the downtown area of the town described in subdivision (1)(B). The commission may issue not more than one (1) additional permit to an applicant whose permit premises is located within the downtown area of the town described in subdivision (1)(B), or an area described in subdivision (2); however, the town legislative body must support the issuance of the permit at the proposed location. A permit issued under this subsection may not be issued to a tavern. For purposes of this subsection, "tavern" means a permit premises that meets the definition of restaurant under IC 7.1-3-20-9, but is used primarily for the serving of alcoholic beverages by the drink to the general public, and where food service is secondary to the primary use in the amount of sales and the service area where minors are not permitted. The commission shall conduct an auction of the permits under IC 7.1-3-22-9, except that the auction may be conducted at any time as determined by the commission. Notwithstanding any other law, the minimum bid for an initial license under this subsection is thirty-five thousand dollars (\$35,000). A permit issued under this subsection to premises within the downtown area of the town may not be transferred to a location outside the downtown area. A permit issued under this subsection to an area described in subdivision (2) may not be transferred to a location outside the area described in subdivision (2). If the commission issues ten (10) new permits under this subsection and a permit issued under this subsection is later revoked or is not renewed, the commission may issue another new permit, as long as the total number of active permits issued under this subsection does not exceed ten (10) at any time. If, after the 2010 decennial census, the town is authorized by the quota provisions of IC 7.1-3-22 to receive additional three-way permits, any three-way permits issued under this section shall be subtracted from any additional three-way permits that the town may be authorized to receive by the quota provisions. A permit may not be issued if the proposed permit premises is the location of an existing three-way permit subject to IC 7.1-3-22-3..

(l) After June 30, 2007, the commission may issue a total of not more than ten (10) new three-way permits to sell alcoholic beverages for on premises consumption only to an applicant who is the proprietor, as owner or lessee, or both, of a restaurant located within a redevelopment project area located within the central area of a city with a population of more than thirty-seven thousand seven hundred (37,700) but less than thirty-eight thousand (38,000). A permit may be issued under this subsection to premises within a redevelopment project area that meets one (1) of the following requirements:

- (1) The redevelopment project area consists of an area that:
 - (A) is generally located in a former commercial area that once had located within it a building formerly used as a grocery store;
 - (B) has been redeveloped or renovated or is in the

process of being redeveloped or renovated to include performing arts areas and hotel areas;

(C) is a city center, where a former historic railway that once passed through the center has been converted to a linear park; and

(D) has been redeveloped or renovated or is in the process of being redeveloped or renovated, with the redevelopment or renovation being funded in part with grants or investments by a city redevelopment commission established under IC 36-7-14.

(2) The redevelopment project area consists of an area that:

(A) is generally located in an area:

- (i) that was formerly the commerce center of a once rural farming community;
- (ii) that was founded, at least in part, by Quaker residents;
- (iii) where a historic railway depot was built; and
- (iv) where an early residence exists that was built about 1848 or earlier;

(B) has been redeveloped or renovated or is in the process of being redeveloped or renovated to include art galleries, design centers, urban structures, and outdoor public art consisting in part of bronze sculptures;

(C) is adjacent to or nearby a former historic railway line that has been converted to a linear park;

(D) includes one (1) of the world's smallest children's art galleries, an original Carnegie Library building, and the community's early fire station; and

(E) has been redeveloped or renovated, or is in the process of being redeveloped or renovated, with the redevelopment or renovation being funded in part with grants or investments by a city redevelopment commission established under IC 36-7-14.

A permit issued under this subsection may not be issued to a tavern. For purposes of this subsection, "tavern" means a permit premises that meets the definition of restaurant under IC 7.1-3-20-9, but is used primarily for the serving of alcoholic beverages by the drink to the general public, and where food service is secondary to the primary use in the amount of sales and the service area where minors are not permitted. A permit issued under this subsection may not be transferred to a location outside the redevelopment project area. If the commission issues ten (10) permits under this subsection, and a permit issued under this subsection is later revoked or is not renewed, the commission may issue another new permit as long as the total number of active permits issued under this subsection does not exceed ten (10) at any time. The commission shall conduct an auction of the permits under IC 7.1-3-22-9, except that the auction may be conducted at any time as determined by the commission. Notwithstanding any other law, the minimum bid for an initial license under this subsection is thirty-five thousand dollars (\$35,000). If, after the 2010 decennial census, the city is authorized by the quota provisions of IC 7.1-3-22 to receive additional three-way permits, any three-way permits issued under this section shall be subtracted from any additional three-way permits that the city may be authorized to receive by the quota provisions.

(m) After May 1, 2007, the commission may issue not more than ten (10) new three-way, two-way, or one-way permits to sell alcoholic beverages for on-premises and off-premises consumption to applicants, each of whom must be the proprietor, as owner or lessee, or both, of a restaurant located within a district, or not more than one thousand five hundred (1,500) feet of a district, that meets the following requirements:

- (1) The district is located in a city with a population of more than forty-six thousand five hundred (46,500) but

less than fifty thousand (50,000).

(2) A toll road is located in the district.

(3) The one thousand five hundred (1,500) feet of property surrounding the toll road includes significant acres of undeveloped land available in the area that may be used for regional economic development activity.

A permit issued under this subsection may not be issued to a tavern. For purposes of this subsection, "tavern" means a permit premises that meets the definition of restaurant under IC 7.1-3-20-9, but is used primarily for the serving of alcoholic beverages by the drink to the general public, and where food service is secondary to the primary use in the amount of sales and the service area where minors are not permitted. A permit issued under this subsection may not be transferred to a location outside the district, or the area that is not more than one thousand five hundred (1,500) feet from the district. If the commission issues ten (10) new permits under this subsection and a permit issued under this subsection is later revoked or is not renewed, the commission may issue another new permit, as long as the total number of active permits issued under this subsection does not exceed ten (10) at any time. The commission shall conduct an auction of the permits under IC 7.1-3-22-9, except that the auction may be conducted at any time as determined by the commission. Notwithstanding any other law, the minimum bid for an initial license under this subsection is thirty-five thousand dollars (\$35,000). If, after the 2010 decennial census, the city is authorized by the quota provisions of IC 7.1-3-22 to receive additional three-way permits, any three-way permits issued under this section shall be subtracted from any additional three-way permits that the city may be authorized to receive by the quota provisions."

Delete page 5.

(Reference is to HB 1392 as introduced.)

and when so amended that said bill do pass

Committee Vote: yeas 7, nays 0.

VAN HAAFTEN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1468, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 11, nays 1.

C. BROWN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Policy, to which was referred House Bill 1477, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 7, nays 0.

VAN HAAFTEN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Policy, to which was referred House Bill 1500, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 15.

Page 2, delete lines 1 through 19.

Page 2, delete lines 28 through 35.

Page 3, delete lines 10 through 42.

Delete pages 4 and 5.

Page 6, delete lines 1 through 8.

Page 7, delete lines 36 through 42.

Delete page 8.

Page 9, delete lines 1 through 30.

Page 10, delete lines 9 through 27, begin a new paragraph and insert:

"SECTION 8. IC 7.1-5-7-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 8. (a) ~~It is a Class C misdemeanor for A person to who recklessly sell, barter, exchange, provide, or furnish sells, barters, exchanges, provides, or furnishes~~ an alcoholic beverage to a minor commits:

(1) a Class B misdemeanor if the person is at least twenty-one (21) years of age; and

(2) a Class C misdemeanor if the person is less than twenty-one (21) years of age.

(b) This section shall not be construed to impose civil liability upon any educational institution of higher learning, including but not limited to public and private universities and colleges, business schools, vocational schools, and schools for continuing education, or its agents for injury to any person or property sustained in consequence of a violation of this section unless such institution or its agent sells, barters, exchanges, provides, or furnishes an alcoholic beverage to a minor."

Page 12, between lines 2 and 3, begin a new paragraph and insert:

"SECTION 10. IC 7.1-5-10-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. (a) Except as provided in subsection (d), it is unlawful to sell alcoholic beverages at the following times:

(1) At a time other than that made lawful by the provisions of IC 7.1-3-1-14.

(2) On Christmas Day and until 7:00 o'clock in the morning, prevailing local time, the following day.

(3) On primary election day, and general election day, from 3:00 o'clock in the morning, prevailing local time, until the voting polls are closed in the evening on these days.

(4) During a special election under IC 3-10-8-9 (within the precincts where the special election is being conducted), from 3:00 o'clock in the morning until the voting polls are closed in the evening on these days.

(b) During the time when the sale of alcoholic beverages is unlawful, no alcoholic beverages shall be sold, dispensed, given away, or otherwise disposed of on the licensed premises and the licensed premises shall remain closed to the extent that the nature of the business carried on the premises, as at a hotel or restaurant, permits.

~~(c) It is unlawful to sell alcoholic beverages on New Years Day for off-premises consumption.~~

~~(d) (c)~~ (c) It is lawful for the holder of a valid beer, wine, or liquor wholesaler's permit to sell to the holder of a valid retailer's or dealer's permit at any time."

Page 12, line 25, delete "fifty dollars (\$50)." and insert **"five hundred dollars (\$500)."**

Page 12, line 29, delete "hundred dollars (\$100)." and insert **"thousand dollars (\$1,000)."**

Page 12, line 33, delete "two hundred fifty dollars (\$250)." and insert **"two thousand five hundred dollars (\$2,500)."**

Page 12, line 37, delete "five hundred dollars (\$500)." and insert **"five thousand dollars (\$5,000)."**

Page 13, delete lines 7 through 8.

Renumber all SECTIONS consecutively.

(Reference is to HB 1500 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 7, nays 0.

VAN HAAFTEN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred House Bill 1663, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 12, nays 0.

C. BROWN, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Family, Children and Human Affairs, to which was referred House Bill 1777, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 4-23-24.1-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 6. (a) ~~Eight (8)~~ **Five (5)** members of the commission constitute a quorum.

(b) ~~A member of the commission may participate in a meeting of the commission by means of a conference telephone or similar communications equipment by which all persons participating in the meeting can communicate with each other, and participation by these means constitutes presence in person at the meeting.~~"

Page 1, after line 9, begin a new paragraph and insert:

"(c) ~~The staff support for the commission may not make any decisions on behalf of the commission.~~"

Renumber all SECTIONS consecutively.

(Reference is to HB 1777 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 8, nays 0.

SUMMERS, Chair

Report adopted.

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Joint Resolution 13, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 14, nays 10.

CRAWFORD, Chair

Report adopted.

The House recessed until the fall of the gavel.

RECESS

The House reconvened at 3:25 p.m. with the Speaker in the Chair.

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Engrossed Senate Bills 6, 29, 38, 125, 134, 147, 166, 181, 331, 344, 416, 419, 489, 524, and 566 and the same are herewith transmitted to the House for further action.

MARY C. MENDEL

Principal Secretary of the Senate

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Your Committee on Financial Institutions, to which was referred House Bill 1351, has had the same under

consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, line 17, delete "section 17 of this" and insert "**IC 36-2-7-10.**"

Page 2, delete line 1.

Page 2, delete lines 10 through 19, begin a new paragraph and insert:

"SECTION 2. IC 5-20-5-15.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 15.5. (a) The governing body of an eligible entity that receives a grant under this chapter shall, by resolution, establish an affordable housing fund to be administered, subject to the terms of the resolution, by a department, a division, or an agency designated by the governing body.

(b) The affordable housing fund consists of:

(1) payments in lieu of taxes deposited in the fund under IC 36-1-8-14.2;

(2) gifts and grants to the fund;

(3) investment income earned on the fund's assets; ~~and~~

(4) money deposited in the fund under IC 36-2-7-10;

(5) money transferred to the fund under IC 32-24-1-34(g); and

~~(4)~~ **(6)** other funds from sources approved by the commission.

(c) The governing body shall, by resolution, establish uses for the affordable housing fund. However, the uses must be limited to:

(1) providing financial assistance to those individuals and families whose income is at or below eighty percent (80%) of the county's median income for individuals and families, respectively, to enable those individuals and families to purchase or lease residential units within the county;

(2) paying expenses of administering the fund;

(3) making grants, loans, and loan guarantees for the development, rehabilitation, or financing of affordable housing for individuals and families whose income is at or below eighty percent (80%) of the county's median income for individuals and families, respectively, including the elderly, persons with disabilities, and homeless individuals and families; and

(4) providing technical assistance to nonprofit developers of affordable housing.

(d) The county treasurer shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested.

SECTION 3. IC 32-34-1-34, AS AMENDED BY P.L.246-2005, SECTION 217, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 34. (a) Except as provided in section 42(d) of this chapter, the treasurer of state shall, on order of the attorney general, pay the necessary costs of the following:

(1) Selling abandoned property.

(2) Mailing notices.

(3) Making publications required by this chapter.

(4) Paying other operating expenses and administrative expenses, including:

(A) salaries and wages reasonably incurred by the attorney general in the administration and enforcement of this chapter; and

(B) costs incurred in examining records of the holders of property and in collecting the property from the holders.

(b) If the balance of the principal of the abandoned property fund established by section 33 of this chapter exceeds five hundred thousand dollars (\$500,000), the treasurer of state may, and at least once each fiscal year shall, transfer to the state general fund the balance of the principal of the abandoned property fund that exceeds five hundred thousand dollars (\$500,000).

(c) If a claim is allowed or a refund is ordered under this chapter that is more than five hundred thousand dollars (\$500,000), the treasurer of state shall transfer from the state general fund sufficient money to make prompt payment of the claim. There is annually appropriated to the treasurer of state from the state general fund the amount of money sufficient to implement this subsection.

(d) Before making a deposit into the abandoned property fund, the attorney general shall record the following:

- (1) The name and last known address of each person appearing from the holder's reports to be entitled to the abandoned property.
- (2) The name and last known address of each insured person or annuitant.
- (3) The number, the name of the corporation, and the amount due concerning any policy or contract listed in the report of a life insurance company.

(e) Except as provided in subsections (f) and (g), earnings on the property custody fund and the abandoned property fund shall be credited to each fund.

(f) **This subsection applies before July 1, 2007.** On July 1 of each year, the interest balance in the property custody fund established by section 32 of this chapter and the interest balance in the abandoned property fund shall be transferred to the state general fund.

(g) **This subsection applies after June 30, 2007. On July 1 of each year, the interest balance in the property custody fund established by section 32 of this chapter and the interest balance in the abandoned property fund shall be transferred to the affordable housing and community development fund established by IC 5-20-4-7."**

Page 3, delete lines 32 through 37, begin a new line block indented and insert:

"(12) This subdivision applies in a county only if at least one (1) unit in the county has established an affordable housing fund under IC 5-20-5-15.5 and the county fiscal body adopts an ordinance authorizing the fee described in this subdivision. An ordinance adopted under this subdivision may authorize the county recorder to charge a fee of:

(A) five dollars (\$5) for the first page; and

(B) one dollar (\$1) for each additional page;

of each document the recorder records.

(13) This subdivision applies in a county containing a consolidated city that has established a housing trust fund under IC 36-7-15.1-35.5(e). The county fiscal body may adopt an ordinance authorizing the fee described in this subdivision. An ordinance adopted under this subdivision may authorize the county recorder to charge a fee of:

(A) five dollars (\$5) for the first page; and

(B) one dollar (\$1) for each additional page;

of each document the recorder records."

Page 4, after line 23, begin a new paragraph and insert:

"(i) This subsection applies to a county other than a county containing a consolidated city. The county treasurer shall distribute money collected by the county recorder under subsection (b)(12) as follows:

(1) Sixty percent (60%) of the money collected by the county recorder under subsection (b)(12) shall be distributed to the units in the county that have established an affordable housing fund under IC 5-20-5-15.5 for deposit in the fund. The amount to be distributed to a unit is the amount available for distribution multiplied by a fraction. The numerator of the fraction is the population of the unit. The denominator of the fraction is the population of all units in the county that have established a fund. The population to be used for a county that establishes a fund is the population of the county outside any city or

town that has established a fund.

(2) Forty percent (40%) of the money collected by the county recorder under subsection (b)(12) shall be distributed to the treasurer of state for deposit in the state affordable housing and community development fund established under IC 5-20-4-7 for the purposes of the fund.

The money shall be distributed under this subsection before the sixteenth day of the month following the month in which the money is collected from the county recorder.

(j) This subsection applies to a county described in subsection (b)(13). The county treasurer shall distribute money collected by the county recorder under subsection (b)(13) as follows:

(1) Sixty percent (60%) of the money collected by the county recorder under subsection (b)(13) shall be deposited in the housing trust fund established under IC 36-7-15.5-35.5(e) for the purposes of the fund.

(2) Forty percent (40%) of the money collected by the county recorder under subsection (b)(13) shall be distributed to the treasurer of state for deposit in the state affordable housing and community development fund established under IC 5-20-4-7 for the purposes of the fund.

The money shall be distributed under this subsection before the sixteenth day of the month following the month in which the money is collected from the county recorder.

SECTION 5. IC 36-7-15.1-35.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 35.5. (a) The general assembly finds the following:

(1) Federal law permits the sale of a multiple family housing project that is or has been covered, in whole or in part, by a contract for project based assistance from the United States Department of Housing and Urban Development without requiring the continuation of that project based assistance.

(2) Such a sale displaces the former residents of a multiple family housing project described in subdivision (1) and increases the shortage of safe and affordable housing for persons of low and moderate income within the county.

(3) The displacement of families and individuals from affordable housing requires increased expenditures of public funds for crime prevention, public health and safety, fire and accident prevention, and other public services and facilities.

(4) The establishment of a supplemental housing program under this section will do the following:

(A) Benefit the health, safety, morals, and welfare of the county and the state.

(B) Serve to protect and increase property values in the county and the state.

(C) Benefit persons of low and moderate income by making affordable housing available to them.

(5) The establishment of a supplemental housing program under this section and sections 32 through 35 of this chapter is:

(A) necessary in the public interest; and

(B) a public use and purpose for which public money may be spent and private property may be acquired.

(b) In addition to its other powers with respect to a housing program under sections 32 through 35 of this chapter, the commission may establish a supplemental housing program. Except as provided by this section, the commission has the same powers and duties with respect to the supplemental housing program that the commission has under sections 32 through 35 of this chapter with respect to the housing program.

(c) One (1) allocation area may be established for the supplemental housing program. The commission is not required to make the findings required under section 34(5) through 34(8) of this chapter with respect to the allocation area. However, the

commission must find that the property contained within the boundaries of the allocation area consists solely of one (1) or more multiple family housing projects that are or have been covered, in whole or in part, by a contract for project based assistance from the United States Department of Housing and Urban Development or have been owned at one time by a public housing agency. The allocation area need not be contiguous. The definition of "base assessed value" set forth in section 35(a) of this chapter applies to the special fund established under section 26(b) of this chapter for the allocation area.

(d) The special fund established under section 26(b) of this chapter for the allocation area established under this section may be used only for the following purposes:

(1) Subject to subdivision (2), on January 1 and July 1 of each year the balance of the special fund shall be transferred to the housing trust fund established under subsection (e).

(2) The commission may provide each taxpayer in the allocation area a credit for property tax replacement in the manner provided by section 35(b)(7) of this chapter. Transfers made under subdivision (1) shall be reduced by the amount necessary to provide the credit.

(e) The commission shall, by resolution, establish a housing trust fund to be administered, subject to the terms of the resolution, by:

(1) the housing division of the consolidated city; or
(2) the department, division, or agency that has been designated to perform the public housing function by an ordinance adopted under IC 36-7-18-1.

(f) The housing trust fund consists of:

(1) amounts transferred to the fund under subsection (d);
(2) payments in lieu of taxes deposited in the fund under IC 36-3-2-11;
(3) gifts and grants to the fund;

(4) investment income earned on the fund's assets; ~~and~~

(5) money deposited in the fund under IC 36-2-7-10(j); and

~~(5) (6)~~ other funds from sources approved by the commission.

(g) The commission shall, by resolution, establish uses for the housing trust fund. However, the uses must be limited to:

(1) providing financial assistance to those individuals and families whose income is at or below eighty percent (80%) of the county's median income for individuals and families, respectively, to enable those individuals and families to purchase or lease residential units within the county;

(2) paying expenses of administering the fund;

(3) making grants, loans, and loan guarantees for the development, rehabilitation, or financing of affordable housing for individuals and families whose income is at or below eighty percent (80%) of the county's median income for individuals and families, respectively, including the elderly, persons with disabilities, and homeless individuals and families; and

(4) providing technical assistance to nonprofit developers of affordable housing.

(h) At least fifty percent (50%) of the dollars allocated for production, rehabilitation, or purchase of housing must be used for units to be occupied by individuals and families whose income is at or below fifty percent (50%) of the county's area median income for individuals and families respectively.

(i) The low income housing trust fund advisory committee is established. The low-income housing trust fund advisory committee consists of eleven (11) members. The membership of the low income housing trust fund advisory committee is comprised of:

(1) one (1) member appointed by the mayor, to represent the interests of low income families;

(2) one (1) member appointed by the mayor, to represent

the interests of owners of subsidized, multifamily housing communities;

(3) one (1) member appointed by the mayor, to represent the interests of banks and other financial institutions;

(4) one (1) member appointed by the mayor, of the department of metropolitan development;

(5) three (3) members representing the community at large appointed by the commission, from nominations submitted to the commission as a result of a general call for nominations from neighborhood associations, community based organizations, and other social services agencies;

(6) one (1) member appointed by and representing the Coalition for Homeless Intervention and Prevention of Greater Indianapolis;

(7) one (1) member appointed by and representing the Local Initiatives Support Corporation;

(8) one (1) member appointed by and representing the Indianapolis Coalition for Neighborhood Development; and

(9) one (1) member appointed by and representing the Indianapolis Neighborhood Housing Partnership.

Members of the low income housing trust fund advisory committee serve for a term of four (4) years, and are eligible for reappointment. If a vacancy exists on the committee, the appointing authority who appointed the former member whose position has become vacant shall appoint an individual to fill the vacancy. A committee member may be removed at any time by the appointing authority who appointed the committee member.

(j) The low income housing trust fund advisory committee shall make recommendations to the commission regarding:

(1) the development of policies and procedures for the uses of the low income housing trust fund; and

(2) long term sources of capital for the low income housing trust fund, including:

(A) revenue from:

(i) development ordinances;

(ii) fees; or

(iii) taxes;

(B) financial market based income;

(C) revenue derived from private sources; and

(D) revenue generated from grants, gifts, donations or income in any other form, from a:

(i) government program;

(ii) foundation; or

(iii) corporation.

(k) The county treasurer shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested."

Re-number all sections consecutively.

(Reference is to HB 1351 as introduced.)

and when so amended that said bill do pass.

Committee Vote: yeas 8, nays 0.

BARDON, Chair

Report adopted.

ENGROSSED HOUSE BILLS ON THIRD READING

Engrossed House Bill 1665

Representative GiaQuinta called down Engrossed House Bill 1665 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning education.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 103: yeas 95, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the

act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Delph and Paul.

Engrossed House Bill 1457

Representative Klinker called down Engrossed House Bill 1457 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning health.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 104: yeas 95, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators C. Lawson, Rogers, Sipes, and Miller.

Engrossed House Bill 1426

Representative Austin called down Engrossed House Bill 1426 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 105: yeas 95, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Ford, Lanane, and Gard.

The Speaker yielded the gavel to the Speaker Pro Tempore, Representative Dobis.

Engrossed House Bill 1568

Representative Crawford called down Engrossed House Bill 1568 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 106: yeas 58, nays 39. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Breaux and Merritt.

Engrossed House Bill 1391

Representative Reske called down Engrossed House Bill 1391 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 107: yeas 95, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators to be announced.

Engrossed House Bill 1483

Representative Niezgodski called down Engrossed House Bill 1483 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning state and local administration.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 108: yeas 53, nays 43. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Broden.

Engrossed House Bill 1410

Representative Hoy called down Engrossed House Bill 1410 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning education.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 109: yeas 94, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Steele, Hershman, and Becker.

The Speaker Pro Tempore yielded the gavel to the Speaker.

Engrossed House Bill 1378

Representative VanHaaften called down Engrossed House Bill 1378 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 110: yeas 90, nays 5. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Becker and Deig.

Engrossed House Bill 1304

Representative Cheatham called down Engrossed House Bill 1304 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning education.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 111: yeas 63, nays 32. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators to be announced.

Engrossed House Bill 1007

Representative Kuzman called down Engrossed House Bill 1007 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning taxation.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 112: yeas 49, nays 48. The bill failed for lack of a constitutional majority.

The Speaker yielded the gavel to the Speaker Pro Tempore, Representative Dobis.

Engrossed House Bill 1266

Representative Avery called down Engrossed House Bill 1266 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning education.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 113: yeas 92, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsors: Senators Lubbers, Sipes, and C. Lawson.

Engrossed House Bill 1220

Representative Hoy called down Engrossed House Bill 1220 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning human services.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 114: yeas 92, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Clerk was directed to inform the Senate of the passage of the bill. Senate sponsor: Senator Miller.

OTHER BUSINESS ON THE SPEAKER'S TABLE

MESSAGE FROM THE SENATE

Mr. Speaker: I am directed by the Senate to inform the House that the Senate has passed Senate Concurrent Resolution 30 and the same is herewith transmitted to the House for further action.

MARY C. MENDEL
Principal Secretary of the Senate

RESOLUTIONS ON FIRST READING

Senate Concurrent Resolution 30

The Speaker handed down Senate Concurrent Resolution 30, sponsored by Representative Orentlicher:

A CONCURRENT RESOLUTION honoring the Indianapolis Symphonic Choir.

Whereas, the Indianapolis Symphonic Choir was founded in 1937 and the 2006-2007 season marks its 70th anniversary of song;

Whereas, Artistic Director Dr. Eric Stark currently leads more than 150 volunteer singers from throughout the state. These members participate in innovative programming, community outreach and education;

Whereas, the Indianapolis Symphonic Choir presents and performs in eight to ten different concert productions for over 10,000 audience members each season;

Whereas, annual features include the gospel program Celebration, the Sacred Arts interactive performance experience, the Festival of Carols, Messiah and the Sacred Masterworks series of major works for chorus and orchestra; and

Whereas, the Indianapolis Symphonic Choir represents the City of Indianapolis and the State of Indiana in performances heard across the nation. The choir's mission and tradition of excellence deserve recognition: Therefore,

*Be it resolved by the Senate
of the General Assembly of the State of Indiana,
the House of Representatives concurring:*

SECTION 1. That the Indiana General Assembly honors the Indianapolis Symphonic Choir on its 70th anniversary.

SECTION 2. The Secretary of the Senate is hereby directed to transmit a copy of this resolution to Artistic Director Dr. Eric

Stark and the Secretary of the Board of Directors, Mary Gosling.

The resolution was read a first time and adopted by voice vote. The Clerk was directed to inform the Senate of the passage of the resolution.

With consent of the House, the Chair returned to reports from committees

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Mr. Speaker: Your Committee on Ways and Means, to which was referred House Bill 1166, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

Committee Vote: yeas 16, nays 7.

CRAWFORD, Chair

Report adopted.

With consent of the House, the Chair returned to bills on second reading.

HOUSE BILLS ON SECOND READING

House Bill 1811

Representative Pierce called down House Bill 1811 for second reading. The bill was read a second time by title. There being no amendments, the bill was ordered engrossed.

House Bill 1738

Representative Welch called down House Bill 1738 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 1738-1)

Mr. Speaker: I move that House Bill 1738 be amended to read as follows:

Page 9, between lines 2 and 3, begin a new paragraph and insert:

"SECTION 2. [EFFECTIVE UPON PASSAGE] (a) The following definitions apply throughout this SECTION:

(1) "Authority" refers to the River Ridge Development Authority or its successor.

(2) "Department" refers to the department of natural resources, the governor, or any other office, commission, or department in the executive department of Indiana state government, regardless of name, that has authority to manage park property, control the use of park property, or sell, lease, exchange, or transfer park property or an interest in park property.

(3) "Park property" refers to the Charlestown State Park and all water rights to water under Charlestown State Park.

(4) "Water facilities" refers to water wells and the water system at River Ridge Commerce Center and the park property.

(b) The department may not sell, lease, exchange, or transfer property or an interest in a property to another person for the purpose of allowing the selling of water from water wells located on park property without the prior approval of the authority.

(c) The department shall maintain and operate the water wells associated with the park property in a manner that will assure that sufficient capacity exists to provide the amount of water needed by the authority.

(d) To the extent residual water capacity exists in excess of the obligations set forth in subsection (c), the department shall act in accordance with the following priorities for the use of excess water capacity:

(1) If sufficient residual capacity exists, the department shall provide water to utilities that abut River Ridge Commerce Center and that request water be supplied from the water facilities, including the foreseeable growth.

(2) If sufficient residual capacity exists, the department shall provide water to the Indiana communities and water utilities in Clark County that do not abut River Ridge Commerce Center to the extent that the water utilities request that water be supplied from the water facilities.

(3) If sufficient residual capacity exists, the department shall provide water to Indiana communities and water utilities outside Clark County.

(4) Only after the priorities specified in subdivisions (1) through (3) are satisfied may the department provide water to communities and water utilities outside Indiana.

(e) A contract or other agreement that is inconsistent with this SECTION is void to the extent of the inconsistency."

Renumber all SECTIONS consecutively.

(Reference is to HB 1738 as printed February 7, 2007.)

STEMLER

Motion prevailed. The bill was ordered engrossed.

House Bill 1479

Representative VanHaaften called down House Bill 1479 for second reading. The bill was read a second time by title.

HOUSE MOTION (Amendment 1479-3)

Mr. Speaker: I move that House Bill 1479 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 7.1-1-3-40.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 40.5. "Sales clerk" means a person who:

(1) rings up; or

(2) otherwise records;

an alcoholic beverage sale in the course of the person's employment in a dealer establishment.

SECTION 4. IC 7.1-3-1.5-2, AS ADDED BY P.L.161-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 2. As used in this chapter, "dealer permittee" means a person who holds a liquor dealer permit. ~~under IC 7.1-3-10 for a package liquor store."~~

Page 4, between lines 13 and 14, begin a new paragraph and insert:

"SECTION 5. IC 7.1-3-5-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. (a) The holder of a beer dealer's permit shall be entitled to purchase beer for sale under the permit only from a permittee entitled to sell to a beer dealer under this title.

(b) A beer dealer shall be entitled to possess beer and sell it at retail to a customer in permissible containers only.

(c) A beer dealer may not sell beer by the drink nor for consumption on the licensed premises nor shall a beer dealer allow it to be consumed on the licensed premises.

(d) Except as provided in subsection (e), a beer dealer shall be entitled to sell beer to a customer and to deliver it in permissible containers to the customer on the licensed premises, or to the customer's residence or office.

(e) This subsection does not apply to a package liquor store. Beer shall be displayed in a designated area separated from the area where nonalcoholic retail merchandise is displayed. A minor may not enter the designated area. The designated area shall be monitored by an employee who, as part of the employee's job responsibilities, shall ensure that

a minor does not enter the designated area. A sales clerk who rings up or otherwise records a sale of beer must be at least twenty-one (21) years of age.

(f) A beer dealer shall not be entitled to sell and deliver beer on the street or at the curb outside the licensed premises, nor shall a beer dealer be entitled to sell beer at a place other than the licensed premises. A beer dealer shall not be entitled to sell beer and deliver beer for carry-out, or for delivery to a customer's residence or office, in a quantity that exceeds eight hundred sixty-four (864) ounces in a single transaction. However, notwithstanding IC 7.1-5-10-11, a beer dealer who is licensed pursuant to IC 7.1-3-10-4 shall be entitled to sell and deliver warm or cold beer for carry-out, or for delivery to a customer's residence, office, or a designated location in barrels or other commercial containers that do not exceed two thousand sixteen (2,016) ounces per container. This delivery may only be performed by the permit holder or an employee who holds an employee permit. The permit holder shall maintain a written record of each delivery for at least one (1) year that shows the customer's name, location of delivery, and quantity sold.

(g) Unless a beer dealer is a grocery store or drug store, a beer dealer may not sell or deliver alcoholic beverages or any other item through a window in the licensed premises to a patron who is outside the licensed premises. A beer dealer that is a grocery store or drug store may sell any item except alcoholic beverages through a window in the licensed premises to a patron who is outside the licensed premises."

Page 4, between lines 40 and 41, begin a new paragraph and insert:

"SECTION 7. IC 7.1-3-10-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 7. (a) The holder of a liquor dealer's permit shall be entitled to purchase liquor only from a permittee entitled to sell to a liquor dealer under this title.

(b) A liquor dealer shall be entitled to possess liquor and sell it at retail in its original package, to a customer only for consumption off the licensed premises.

(c) This subsection does not apply to a package liquor store. Liquor shall be displayed in a designated area separated from the area where nonalcoholic retail merchandise is displayed. A minor may not enter the designated area. The designated area shall be monitored by an employee who, as part of the employee's job responsibilities, shall ensure that a minor does not enter the designated area. A sales clerk who rings up or otherwise records a sale of liquor must be at least twenty-one (21) years of age.

(d) A liquor dealer may deliver liquor only in permissible containers to a customer's residence or office in a quantity that does not exceed twelve (12) quarts at any one (1) time. However, a liquor dealer who is licensed under IC 7.1-3-10-4 may deliver liquor in permissible containers to a customer's residence, office, or designated location. This delivery may only be performed by the permit holder or an employee who holds an employee permit. The permit holder shall maintain a written record of each delivery for at least one (1) year that shows the customer's name, location of delivery, and quantity sold.

(e) A liquor dealer may not sell or deliver alcoholic beverages or any other item through a window in the licensed premises to a patron who is outside the licensed premises. However, a liquor dealer that is a drug store may sell prescription drugs and health and beauty aids through a window in the licensed premises to a patron who is outside the licensed premises."

Page 6, between lines 8 and 9, begin a new paragraph and insert:

"SECTION 8. IC 7.1-3-15-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. (a) The holder of a wine dealer's permit shall be entitled to purchase wine only

from a permittee who is authorized to sell to a wine dealer under this title. A wine dealer shall be entitled to sell wine, for consumption off the licensed premises only and not by the drink.

(b) This subsection does not apply to a package liquor store. Wine shall be displayed in a designated area separated from the area where nonalcoholic retail merchandise is displayed. A minor may not enter the designated area. The designated area shall be monitored by an employee who, as part of the employee's job responsibilities, shall ensure that a minor does not enter the designated area. A sales clerk who rings up or otherwise records a sale of wine must be at least twenty-one (21) years of age.

(c) A wine dealer shall be entitled to sell wine in permissible containers in a quantity of not more than three (3) standard cases, as determined under the rules of the commission, in a single transaction. However, a wine dealer who is licensed under IC 7.1-3-10-4 may possess wine and sell it at retail in its original package to a customer only for consumption off the licensed premises.

(d) Unless a wine dealer is a grocery store or drug store, a wine dealer may not sell or deliver alcoholic beverages or any other item through a window in the licensed premises to a patron who is outside the licensed premises. A wine dealer that is a grocery store or drug store may sell any item except alcoholic beverages through a window in the licensed premises to a person who is outside the licensed premises.

(e) However, a wine dealer who is licensed under IC 7.1-3-10-4 may deliver wine only in permissible containers to a customer's residence, office, or designated location. This delivery may only be performed by the permit holder or an employee who holds an employee permit. The permit holder shall maintain a written record of each delivery for at least one (1) year that shows the customer's name, location of delivery, and quantity sold.

SECTION 9. IC 7.1-3-18-9, AS AMENDED BY P.L.165-2006, SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 9. (a) **Except as provided in subsection (j),** the commission may issue an employee's permit to a person who desires to act as:

- (1) a sales clerk in a package liquor store; a dealer establishment;
- (2) an employee who serves wine at a farm winery; or
- (3) a bartender, waiter, waitress, or manager in a retail establishment. ~~excepting dining car and boat employees.~~

(b) A permit authorized by this section is conditioned upon the compliance by the holder with reasonable rules relating to the permit which the commission may prescribe from time to time.

(c) A permit issued under this section entitles its holder to work for any lawful employer. However, a person may work without an employee's permit for thirty (30) days from the date shown on a receipt for a cashier's check or money order payable to the commission for that person's employee's permit application.

(d) A person who, for a package liquor store or retail establishment, is:

- (1) the sole proprietor;
- (2) a partner, a general partner, or a limited partner in a partnership or limited partnership that owns the business establishment;
- (3) a member of a limited liability company that owns the business establishment; or
- (4) a stockholder in a corporation that owns the business establishment;

is not required to obtain an employee's permit in order to perform any of the acts listed in subsection (a).

(e) An applicant may declare on the application form that the applicant will use the employee's permit only to perform volunteer service that benefits a nonprofit organization. It is unlawful for an applicant who makes a declaration under this

subsection to use an employee's permit for any purpose other than to perform volunteer service that benefits a nonprofit organization.

(f) The commission may not issue an employee's permit to an applicant while the applicant is serving a sentence for a conviction for operating while intoxicated, including any term of probation or parole.

(g) The commission may not issue an employee's permit to an applicant who has two (2) unrelated convictions for operating while intoxicated if:

- (1) the first conviction occurred less than ten (10) years before the date of the applicant's application for the permit; and
- (2) the applicant completed the sentence for the second conviction, including any term of probation or parole, less than two (2) years before the date of the applicant's application for the permit.

(h) If an applicant for an employee's permit has at least three (3) unrelated convictions for operating while intoxicated in the ten (10) years immediately preceding the date of the applicant's application for the permit, the commission may not grant the issuance of the permit. If, in the ten (10) years immediately preceding the date of the applicant's application the applicant has:

- (1) one (1) conviction for operating while intoxicated, and the applicant is not subject to subsection (f); or
- (2) two (2) unrelated convictions for operating while intoxicated, and the applicant is not subject to subsection (f) or (g);

the commission may grant or deny the issuance of a permit.

(i) The commission shall revoke a permit issued to an employee under this section if:

- (1) the employee is convicted of a Class B misdemeanor for violating IC 7.1-5-10-15(a); or
- (2) the employee is convicted of operating while intoxicated after the issuance of the permit.

The commission may revoke a permit issued to an employee under this section for any violation of this title or the rules adopted by the commission.

(j) This section does not apply to a dining car, boat, or airline employee."

Page 6, between lines 20 and 21, begin a new paragraph and insert:

"SECTION 10. IC 7.1-5-6-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. (a) It is unlawful for a person to act as a ~~clerk in a package liquor store; or as a bartender, waiter, waitress, or manager for a retailer permittee in a position that is listed in IC 7.1-3-18-9(a)~~ unless that person has applied for and been issued ~~the appropriate an~~ **employee's permit. This section does not apply to dining car or boat employees or to a person described in IC 7.1-3-18-9(d).**

(b) It is a defense to a charge under this section if, within thirty (30) days after being cited by the commission, the person who was cited produces evidence that the appropriate permit was issued by the commission on the date of the citation.

(c) It is a defense to a charge under this section for a new applicant for a permit if, within thirty (30) days after being cited by the commission, the new applicant who was cited produces a receipt for a cashier's check or money order showing that an application for the appropriate permit was applied for on the date of the citation.

(d) It is a defense to a charge under this section that the person who was cited:

- (1) acted as a dining car, boat, or airline employee; or**
- (2) is a person described in IC 7.1-3-18-9(d).**

SECTION 11. IC 7.1-5-7-13, AS AMENDED BY P.L.161-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 13. Section 12 of this chapter does not prohibit the following:

(1) The employment of a person at least eighteen (18) years of age but less than twenty-one (21) years of age on or about licensed premises where alcoholic beverages are sold, furnished, or given away for consumption either on or off the licensed premises, for a purpose other than:

- (A) selling;
- (B) furnishing, other than serving;
- (C) consuming; or
- (D) otherwise dealing in;

alcoholic beverages.

(2) A person at least eighteen (18) years of age but less than twenty-one (21) years of age from ringing up a sale of alcoholic beverages in the course of the person's employment **in a dining area or family room of a restaurant or hotel.**

(3) A person at least nineteen (19) years of age but less than twenty-one (21) years of age who:

- (A) has successfully completed an alcohol server training program certified under IC 7.1-3-1.5; and
- (B) serves alcoholic beverages in a dining area or family room of a restaurant or hotel:

- (i) in the course of a person's employment as a waiter, waitress, or server; and
- (ii) under the supervision of a person who is at least twenty-one (21) years of age, is present at the restaurant or hotel, and has successfully completed an alcohol server training program certified under IC 7.1-3-1.5 by the commission.

This subdivision does not allow a person at least nineteen (19) years of age but less than twenty-one (21) years of age to be a bartender."

Page 6, between lines 30 and 31, begin a new paragraph and insert:

"SECTION 12. IC 7.1-5-10-24 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 24. (a) It is unlawful for a person who is the proprietor of a package liquor store, drug store, or grocery store to allow a purchaser of alcoholic beverages, or any other person who is not a sales clerk, to ring up or otherwise record an alcoholic beverage sale.**

(b) It is unlawful for a purchaser of alcoholic beverages, or any other person who is not a sales clerk, to ring up or otherwise record an alcoholic beverage sale in a:

- (1) drug store;**
- (2) grocery store; or**
- (3) package liquor store."**

Renumber all SECTIONS consecutively.

(Reference is to HB 1479 as printed February 9, 2007.)

BURTON

Representative Pelath rose to a point of order, citing Rule 118, stating that the motion was attempting to incorporate into House Bill 1479 a bill pending before the House. After discussion, Representative Pelath withdrew the point of order.

The question was on the motion of Representative Burton. Motion failed.

HOUSE MOTION (Amendment 1479-8)

Mr. Speaker: I move that House Bill 1479 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 7.1-3-1.5-1, AS ADDED BY P.L.161-2005, SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 1. As used in this chapter, "alcohol server" means ~~the following~~:

- ~~(1)~~ a person who works on the licensed premises of a retailer permittee as a:

~~(A)~~ (1) manager;

~~(B)~~ (2) bartender; or

~~(C)~~ (3) waiter or a waitress.

~~(2) A person who works on the licensed premises of a dealer permittee as a:~~

~~(A) manager; or~~

~~(B) sales clerk.~~

SECTION 2. IC 7.1-3-1.5-8, AS AMENDED BY P.L.165-2006, SECTION 13, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 8. (a) A trainer certificate issued under this chapter expires three (3) years after the date the trainer certificate was issued.

(b) The commission shall notify a

~~(1) dealer permittee at the time the dealer permittee renews a permit described in section 2 of this chapter; and~~

~~(2) retailer permittee at the time the retailer permittee renews a permit described in section 4 of this chapter~~

of the renewal requirements for a trainer certificate under this chapter.

SECTION 3. IC 7.1-3-1.5-13, AS AMENDED BY P.L.165-2006, SECTION 16, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 13. (a) A retailer permittee ~~or dealer permittee~~ who operates an establishment where alcoholic beverages are served or sold must:

(1) ensure that each alcohol server completes a program established or approved under section 6 of this chapter not later than one hundred twenty (120) days after the date the alcohol server begins employment at the establishment;

(2) require each alcohol server to attend a refresher course that includes the dissemination of new information concerning the program subject areas described in section 6 of this chapter every three (3) years after the date the alcohol server completes a program; and

(3) maintain training verification records of each alcohol server.

(b) A retailer permittee ~~a dealer permittee~~, or a management representative of a retailer ~~or dealer~~ permittee must complete a program established or approved under section 6 of this chapter:

(1) not later than one hundred twenty (120) days after the date

~~(A) the dealer permittee is issued a permit described in section 2 of this chapter; or~~

~~(B) the retailer permittee is issued a permit described in section 4 of this chapter; and~~

(2) every five (5) years after the date the retailer permittee ~~dealer permittee~~, or management representative of the retailer ~~or dealer~~ permittee completes a program.

(c) The commission shall notify a

~~(1) dealer permittee at the time the dealer permittee renews a permit described in section 2 of this chapter; and~~

~~(2) retailer permittee at the time the retailer permittee renews a permit described in section 4 of this chapter~~

of the requirements under subsections (a) and (b).

(d) The commission may suspend or revoke a retailer permittee's ~~or dealer permittee's~~ permit or fine a retailer permittee ~~or dealer permittee~~ for noncompliance with this section in accordance with IC 7.1-3-23."

Page 6, between lines 8 and 9, begin a new paragraph and insert:

"SECTION 9. IC 7.1-3-18-9, AS AMENDED BY P.L.165-2006, SECTION 26, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 9. (a) **Except as provided in subsection (j),** the commission may issue an employee's permit to a person who desires to act as:

~~(1) a clerk in a package liquor store;~~

~~(2) (1) an employee who serves wine at a farm winery; or~~

~~(3) (2) a bartender, waiter, waitress, or manager in a retail establishment. excepting dining car and boat employees.~~

(b) A permit authorized by this section is conditioned upon the

compliance by the holder with reasonable rules relating to the permit which the commission may prescribe from time to time.

(c) A permit issued under this section entitles its holder to work for any lawful employer. However, a person may work without an employee's permit for thirty (30) days from the date shown on a receipt for a cashier's check or money order payable to the commission for that person's employee's permit application.

(d) A person who, for a ~~package liquor store or~~ retail establishment, is:

- (1) the sole proprietor;
- (2) a partner, a general partner, or a limited partner in a partnership or limited partnership that owns the business establishment;
- (3) a member of a limited liability company that owns the business establishment; or
- (4) a stockholder in a corporation that owns the business establishment;

is not required to obtain an employee's permit in order to perform any of the acts listed in subsection (a).

(e) An applicant may declare on the application form that the applicant will use the employee's permit only to perform volunteer service that benefits a nonprofit organization. It is unlawful for an applicant who makes a declaration under this subsection to use an employee's permit for any purpose other than to perform volunteer service that benefits a nonprofit organization.

(f) The commission may not issue an employee's permit to an applicant while the applicant is serving a sentence for a conviction for operating while intoxicated, including any term of probation or parole.

(g) The commission may not issue an employee's permit to an applicant who has two (2) unrelated convictions for operating while intoxicated if:

- (1) the first conviction occurred less than ten (10) years before the date of the applicant's application for the permit; and
- (2) the applicant completed the sentence for the second conviction, including any term of probation or parole, less than two (2) years before the date of the applicant's application for the permit.

(h) If an applicant for an employee's permit has at least three (3) unrelated convictions for operating while intoxicated in the ten (10) years immediately preceding the date of the applicant's application for the permit, the commission may not grant the issuance of the permit. If, in the ten (10) years immediately preceding the date of the applicant's application the applicant has:

- (1) one (1) conviction for operating while intoxicated, and the applicant is not subject to subsection (f); or
- (2) two (2) unrelated convictions for operating while intoxicated, and the applicant is not subject to subsection (f) or (g);

the commission may grant or deny the issuance of a permit.

(i) The commission shall revoke a permit issued to an employee under this section if:

- (1) the employee is convicted of a Class B misdemeanor for violating IC 7.1-5-10-15(a); or
- (2) the employee is convicted of operating while intoxicated after the issuance of the permit.

The commission may revoke a permit issued to an employee under this section for any violation of this title or the rules adopted by the commission.

(j) This section does not apply to a dining car, a boat, or an airline employee."

Page 6, between lines 20 and 21, begin a new paragraph and insert:

"SECTION 11. IC 7.1-5-6-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 3. (a) It is

unlawful for a person to act as a clerk in a package liquor store; or as a bartender, waiter, waitress, or manager for a retailer **permittee in a position that is listed in IC 7.1-3-18-9(a)** unless that person has applied for and been issued the appropriate **an employee's permit. This section does not apply to dining car or boat employees or to a person described in IC 7.1-3-18-9(d).**

(b) It is a defense to a charge under this section if, within thirty (30) days after being cited by the commission, the person who was cited produces evidence that the appropriate permit was issued by the commission on the date of the citation.

(c) It is a defense to a charge under this section for a new applicant for a permit if, within thirty (30) days after being cited by the commission, the new applicant who was cited produces a receipt for a cashier's check or money order showing that an application for the appropriate permit was applied for on the date of the citation.

(d) It is a defense to a charge under this section that the person who was cited:

(1) acted as a dining car, a boat, or an airline employee; or

(2) is a person described in IC 7.1-3-18-9(d).

SECTION 12. IC 7.1-5-7-11, AS AMENDED BY P.L.224-2005, SECTION 33, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 11. (a) The provisions of sections 9 and 10 of this chapter shall not apply if the public place involved is one (1) of the following:

- (1) Civic center.
- (2) Convention center.
- (3) Sports arena.
- (4) Bowling center.
- (5) Bona fide club.
- (6) Drug store.
- (7) Grocery store.
- (8) Boat.
- (9) Dining car.
- (10) Pullman car.
- (11) Club car.
- (12) Passenger airplane.
- (13) Horse racetrack facility holding a recognized meeting permit under IC 4-31-5.
- (14) Satellite facility (as defined in IC 4-31-2-20.5).
- (15) Catering hall under IC 7.1-3-20-24 that is not open to the public.
- (16) That part of a hotel or restaurant which is separate from a room in which is located a bar over which alcoholic beverages are sold or dispensed by the drink.
- (17) Entertainment complex.
- (18) Indoor golf facility.
- (19) A recreational facility such as a golf course, bowling center, or similar facility that has the recreational activity and not the sale of food and beverages as the principal purpose or function of the person's business.
- (20) A licensed premises owned or operated by an educational institution of higher learning (as defined in IC 20-12-15-1).
- (21) An automobile racetrack.
- (22) Package liquor store.**

(b) For the purpose of this subsection, "food" means meals prepared on the licensed premises. It is lawful for a minor to be on licensed premises in a room in which is located a bar over which alcoholic beverages are sold or dispensed by the drink if all the following conditions are met:

- (1) The minor is eighteen (18) years of age or older.
- (2) The minor is in the company of a parent, guardian, or family member who is twenty-one (21) years of age or older.
- (3) The purpose for being on the licensed premises is the consumption of food and not the consumption of alcoholic beverages.

SECTION 13. IC 7.1-5-7-13, AS AMENDED BY P.L.161-2005, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 13. Section 12 of this chapter does not prohibit the following:

(1) The employment of a person at least eighteen (18) years of age but less than twenty-one (21) years of age on or about licensed premises where alcoholic beverages are sold, furnished, or given away for consumption either on or off the licensed premises, for a purpose other than:

- (A) selling;
- (B) furnishing, other than serving;
- (C) consuming; or
- (D) otherwise dealing in;

alcoholic beverages.

(2) A person at least eighteen (18) years of age but less than twenty-one (21) years of age from ringing up a sale of alcoholic beverages in the course of the person's employment.

(3) A person at least nineteen (19) years of age but less than twenty-one (21) years of age who:

- (A) has successfully completed an alcohol server training program certified under IC 7.1-3-1.5; and
- (B) serves alcoholic beverages in a dining area or family room of a restaurant or hotel:
 - (i) in the course of a person's employment as a waiter, waitress, or server; and
 - (ii) under the supervision of a person who is at least twenty-one (21) years of age, is present at the restaurant or hotel, and has successfully completed an alcohol server training program certified under IC 7.1-3-1.5 by the commission.

This subdivision does not allow a person at least nineteen (19) years of age but less than twenty-one (21) years of age to be a bartender."

Page 6, between lines 34 and 35, begin a new paragraph and insert:

"SECTION 15. IC 7.1-3-1.5-2 IS REPEALED [EFFECTIVE JULY 1, 2007]."

Renumber all SECTIONS consecutively.

(Reference is to HB 1479 as printed February 9, 2007.)

BURTON

After discussion, Representative Burton withdrew the motion.

The Speaker Pro Tempore yielded the gavel to the Speaker.

HOUSE MOTION (Amendment 1479-7)

Mr. Speaker: I move that House Bill 1479 be amended to read as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 7.1-2-4-24 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: **Sec. 24. A local board shall allow a person who holds a permit for premises within the jurisdiction of the local board to make oral comments at the meeting or hearing of the local board regarding the subject of the meeting or hearing. However, the local board may set a reasonable limit on the amount of time allowed to each permit holder to provide oral comment.**"

Renumber all SECTIONS consecutively.

(Reference is to HB 1479 as printed February 9, 2007.)

CROOKS

Representative Whetstone rose to a point of order, citing Rule 118, stating that the motion was attempting to incorporate into House Bill 1479 a bill pending before the House.

After discussion of the point of order, Representative Crooks withdrew the motion.

There being no further amendments, the bill was ordered engrossed.

OTHER BUSINESS ON THE SPEAKER'S TABLE

Referrals to Ways and Means

The Speaker announced, pursuant to House Rule 127, that House Bills 1351 and 1777 had been referred to the Committee on Ways and Means.

Referrals to Ways and Means withdrawn

The Speaker announced that the referral of House Bill 1305 to the Committee on Ways and Means, pursuant to Rule 127, had been withdrawn.

Reassignments

The Speaker announced the following reassignments:

House Bill 1009 from the Committee on Rules and Legislative Procedures to the Committee on Interstate and International Cooperation.

House Bill 1830 from the Committee on Rules and Legislative Procedures to the Committee on Roads and Transportation.

PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on Representative Davis's second reading amendment to House Bill 1007, Roll Call 84, on February 12, 2007. In support of this petition, I submit the following reason:

"I was present and in my seat, but when I attempted to vote, my vote failed to register. I intended to vote yea."

CROUCH

There being a constitutional majority voting in favor of the petition, the petition was adopted.

PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on Representative Davis's second reading amendment to House Bill 1007, Roll Call 84, on February 12, 2007. In support of this petition, I submit the following reason:

"I was present and in my seat, but when I attempted to vote, I inadvertently pushed the yea button when I intended to vote nay."

E. HARRIS

There being a constitutional majority voting in favor of the petition, the petition was adopted. [*Journal Clerk's note: adoption of the petitions of Representatives Crouch and E. Harris changes the vote tally for Roll Call 84 to 43 yeas, 47 nays.*]

PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on Representative Cherry's second reading amendment to House Bill 1007, Roll Call 85, on February 12, 2007. In support of this petition, I submit the following reason:

"I was present and in my seat, but when I attempted to vote, my vote failed to register. I intended to vote yea."

BORDERS

There being a constitutional majority voting in favor of the petition, the petition was adopted.

PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on Representative Cherry's second reading amendment to House Bill 1007, Roll Call 85, on February 12, 2007. In support of this petition, I submit the following reason:

"I was present and in my seat, but when I attempted to vote, the machine had closed. I intended to vote yea."

DVORAK

There being a constitutional majority voting in favor of the petition, the petition was adopted.

PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on Representative Cherry's second reading amendment to House Bill 1007, Roll Call 85, on February 12, 2007. In support of this petition, I submit the following reason:

"I was present and in my seat, but when I attempted to vote, my vote failed to register. I intended to vote yea."

McCLAIN

There being a constitutional majority voting in favor of the petition, the petition was adopted.

PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on Representative Cherry's second reading amendment to House Bill 1007, Roll Call 85, on February 12, 2007. In support of this petition, I submit the following reason:

"I was present and in my seat, but when I attempted to vote, the machine had closed. I intended to vote nay."

PORTER

There being a constitutional majority voting in favor of the petition, the petition was adopted.

PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on Representative Cherry's second reading amendment to House Bill 1007, Roll Call 85, on February 12, 2007. In support of this petition, I submit the following reason:

"I was present and in my seat, but when I attempted to vote, I inadvertently pushed the yea button when I intended to vote nay."

RESKE

There being a constitutional majority voting in favor of the petition, the petition was adopted.

PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on Representative Cherry's second reading amendment to House Bill 1007, Roll Call 85, on February 12, 2007. In support of this petition, I submit the following reason:

"I was present and in my seat, but my vote was not properly recorded. I intended to vote yea."

SAUNDERS

There being a constitutional majority voting in favor of the petition, the petition was adopted.

PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to

change my voting record on Representative Cherry's second reading amendment to House Bill 1007, Roll Call 85, on February 12, 2007. In support of this petition, I submit the following reason:

"I was present and in my seat, but when I attempted to vote, my vote failed to register. I intended to vote yea."

SOLIDAY

There being a constitutional majority voting in favor of the petition, the petition was adopted.

PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on Representative Cherry's second reading amendment to House Bill 1007, Roll Call 85, on February 12, 2007. In support of this petition, I submit the following reason:

"I was present and in my seat, but when I attempted to vote, my vote failed to register. I intended to vote yeas."

WOLKINS

There being a constitutional majority voting in favor of the petition, the petition was adopted. [*Journal Clerk's note: adoption of the petitions of Representatives Border, Dvorak, McClain, Porter, Reske, Saunders, Soliday, and Wolkins changes the vote tally for Roll Call 85 to 49 yeas, 50 nays.*]

PETITION TO CHANGE VOTING RECORD

Mr. Speaker: Pursuant to House Rule 75, I hereby petition to change my voting record on the third reading of Engrossed House Bill 1483, Roll Call 108, on February 13, 2007. In support of this petition, I submit the following reason:

"I was present in the Chamber, but when I attempted to vote, my vote was not recorded. I intended to vote yea."

BAUER

There being a constitutional majority voting in favor of the petition, the petition was adopted. [*Journal Clerk's note: this changes the vote tally for Roll Call 108 to 53 yeas, 43 nays.*]

HOUSE MOTION

Mr. Speaker: I move that Representative Micon added as author of House Bill 1009.

MICON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representatives Cochran and C. Brown be added as coauthors of House Bill 1009.

MICON

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Welch be added as coauthor of House Bill 1033.

HOY

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Koch be added as coauthor of House Bill 1128.

STILWELL

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Goodin be removed as author of House Bill 1173 and Representative Cochran be substituted as author.

GOODIN

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Welch be added as coauthor of House Bill 1306.

CHEATHAM

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Candelaria Reardon be added as coauthor of House Bill 1800.

PORTER

Motion prevailed.

HOUSE MOTION

Mr. Speaker: I move that Representative Austin be added as author of House Bill 1830.

AUSTIN

Motion prevailed.

Pursuant to House Rule 60, committee meetings were announced.

On the motion of Representative Bosma, the House adjourned at 6:40 p.m., this thirteenth day of February, 2007, until Thursday, February 15, 2007, at 1:00 p.m.

B. PATRICK BAUER

Speaker of the House of Representatives

CLINTON McKAY

Principal Clerk of the House of Representatives